

NOV 06 2002

Mail & Return

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through xx/xx/xxxx. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Express Mail No.	EL 500 576 635 US
Application Number	09/674,877
Filing Date	January 2, 2001
First Named Inventor	Hoefle et al.
Group Art Unit	1625
Examiner Name	C. Aulakh
Attorney Docket Number	6013-192-999 (Previously 2727-127)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on ____
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____
 - iii. ☐ Other ____
- b. ☒ Enclosed
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☒ Information Disclosure Statement (IDS)
 - iv. ☐ Other ____

2. Miscellaneous

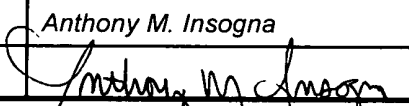
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other ____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Pennie & Edmonds LLP Deposit Account No. 16-1150:
 - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 740.00
 - ii. ☐ Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ ____ for a ____ month extension, the request for which is being made herewith
 - iii. ☐ Other ____
- b. ☐ Check in the amount of \$ ____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Anthony M. Insogna	Registration No. (Attorney/Agent)	35,203
Signature		Date	October 6, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

11/12/2002 WABDELRI 00000013 161150 09674877

01 FC:1801 740.00 CH

NY2 - 1367795.1

NOV 06 2002

Express Mail No.: EL 500 578 835 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Hoeftle et al.

Confirmation No.: 5629

Application No.: 09/674,877

Group Art Unit: 1625

Filed: January 2, 2001

Examiner: C. Aulakh

For: EPOTHILONE DERIVATIVES, A
METHOD FOR THE
PRODUCTION THEREOF, AND
THEIR USE

Attorney Docket No.: 6013-192-999
(Previously: 2727-127)

RECEIVED
NOV 12 2002
TECH CENTER 1000/2800

AMENDMENT UNDER 37 C.F.R. § 1.114

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Allowability issued August 6, 2002, and in accordance with the Rules of Practice, please enter the following amendment and consider the remarks below in connection with a Request for Continued Examination. Submitted as part of the amendment is Exhibit A, a marked up copy of the amended claim.

IN THE CLAIMS:

Please amend claim 7 to read as follows:

Sub
ES
1
7. (Twice amended) Epothilone derivative as in claims 4, 5, 6 or 18 wherein the substituents of the monocyclic aromatic and/or hetero aromatic are C₁₋₆-alkyl, C₂₋₆-alkenyl, and C₂₋₆-alkinyl groups respectively, and fluoro, chloro, bromo or iodo atoms.

REMARKS

Claims 1-14, 18-20 and 22-24 were allowed in the Notice of Allowability issued August 6, 2002 in connection with the above-identified application and were renumbered as 1-20. Claim 7 has been amended to conform to the Examiner's suggestion at page 4 of the